Security Council

Sixty-third year

Provisional

5854th meeting

Tuesday, 18 March 2008, 5 p.m.

New York

President:	Mr. Churkin	(Russian Federation)
Members:	Belgium	Mr. Verbeke
	Burkina Faso	Mr. Kafando
	China	Mr. Wang Guangya
	Costa Rica	Mr. Urbina
	Croatia	Mr. Jurica
	France	Mr. Ripert
	Indonesia	Mr. Natalegawa
	Italy	Mr. Mantovani
	Libyan Arab Jamahiriya	Mr. Ettalhi
	Panama	Mr. Arias
	South Africa	Mr. Sangqu
	United Kingdom of Great Britain and Northern Ireland	Ms. Pierce
	United States of America	Mr. Khalilzad
	Viet Nam	Mr. Le Luong Minh

Agenda

The situation in Myanmar

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08-27488 (E)

The meeting was called to order at 5.10 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in Myanmar

The President (*spoke in Russian*): I should like to inform the Council that I have received a letter from the representative of Myanmar, in which he requests to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Kyaw Tint Swe (Myanmar) took a seat at the Council table.

The President (*spoke in Russian*): In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Ibrahim Gambari, Special Envoy of the Secretary-General.

It is so decided.

I invite Mr. Gambari to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

I now give the floor to Mr. Ibrahim Gambari, Special Envoy of the Secretary-General.

Mr. Gambari: I thank all members of the Security Council for the opportunity to brief them on my latest visit to Myanmar, from 6 to 10 March 2008, in the implementation of the good offices role entrusted to the Secretary-General by the General Assembly. In accordance with the usual practice, I have already reported to the President of the Assembly and would like, respectfully, to refer the Council to the press release issued yesterday by his Office in that regard.

At the outset, I would like to thank the Government and the people of Myanmar for the hospitality extended to my delegation and to me during our five-day visit. In particular, I wish to place on record my gratitude for the Government's efforts in bringing forward my visit from mid-April, as previously scheduled, to early March and also in extending my stay by one day.

Since assuming responsibility for the Myanmar dossier, I have never been under any illusion that the engagement process will be smooth sailing. Indeed, over time my engagement with my interlocutors has been difficult, complex and frustrating at times, but nevertheless incremental and continuing. That is invariably the nature of the good-offices role of the Secretary-General.

But, in terms of the programme of my last visit, I am grateful to the Myanmar authorities for having granted most of the meetings I requested, including two meetings with the Government Authoritative Spokesperson's Team, representing the State Peace and Development Council and composed of the Ministers for Foreign Affairs, Culture and Information. I also met with the Ministers for Planning and Health, the Deputy Foreign Minister and the Referendum Convening Commission, as well as the Constitution Drafting Committee. I also met twice with Daw Aung San Suu Kyi and with the political parties, including the National League for Democracy (NLD), the National Unity Party (NUP) and the PaO National Organization — which is for the ethnic and nationality groups — as well as the Union Solidarity and Development Association (USDA) — not to be confused with the United States Department of Agriculture, of course. In addition, I met twice with the United Nations country team on United Nations premises and with the diplomatic corps at the beginning and at the end of my visit, as well as with the International Committee of the Red Cross (ICRC).

Unlike last time, when I stayed mostly in Nay Pyi Taw, the new capital, the Government arranged for my delegation and me to stay in a hotel in Yangon throughout our visit. I regret, however, that I was not able to meet with the senior Government leadership or with other political parties, including the 88 Generation group and the 1990 MPs-Elect, or with representatives of ethnic minority groups.

Moreover, whereas each of my previous visits produced some tangible results that could be built upon, it is a source of disappointment that this latest visit did not yield any immediate tangible outcome. Nonetheless, the visit gave me an opportunity to further discuss some of my earlier recommendations and, in particular, to exchange views on the current preparations for the planned constitutional referendum in May and for "multi-party democratic elections" by 2010. I believe that those discussions helped to foster a greater understanding of how the Government of Myanmar could work further with the good offices of the Secretary-General. In that context, I would like to brief the Council on the topics of those discussions.

First, with regard to the constitution-making process and the planned referendum and elections, I am pleased to have been able to place on record with the Government Authoritative Spokesperson's Team, the Referendum Convening Commission and the Constitution Drafting Committee the views and concerns of the United Nations, as well as specific suggestions for enhancing the credibility of the constitutional and electoral process. These included our offer of technical assistance, in accordance with the good offices mandate of the Secretary-General on Myanmar, and our suggestion that the authorities consider independent monitoring of the process.

In that connection, I left with my interlocutors a list of countries that have voluntarily requested technical assistance for their electoral processes. As a matter of fact, 57 countries did so between 2003 and 2005, and 50 have actually benefited from the extension of such assistance from the United Nations. I also left questions and observations prepared by our experts regarding the conduct of the constitution-making process, the referendum and the elections, which I hope they will find useful with a view to enhancing the credibility and inclusiveness of the process. My discussion with the Referendum Convening Commission was published in full in newspapers the next morning.

I was given repeated assurances on previous visits, including at the highest level of Myanmar's leadership, that all political forces in Myanmar will be allowed to freely participate in the referendum and the election. The Government further reiterated that the draft constitution was completed based on the principles adopted earlier by the broadly inclusive process of the National Convention and that, based on the precedents of the 1947 and 1974 constitutions, it has sufficient experience to organize and conduct a referendum and elections.

In this regard, I was given a first published copy of the draft constitution — unfortunately for me, it was in Burmese, but I am sure that we will get an English version soon — a copy of the referendum law in English and a sample of the referendum ballot paper. I encouraged the authorities to take further steps to ensure that the credibility of the process is enhanced.

Such steps should include early and broad dissemination of information, including the referendum rules and regulations, in addition to the text of the constitution and the referendum law. I felt that the better the educated voters are and the more public space there is for open debate on the draft constitution, the more confidence the process will generate from all political actors and the public at large, and the more the process will be perceived as credible, both internally and to the outside world.

In the socio-economic area, the recommendation of the United Nations to establish a broad-based National Economic Forum was discussed with the Minister of National Planning and Development and the Minister of Health. In their view, sanctions are the primary cause of the socio-economic problems in Myanmar and the central obstacle to the country's development.

Technically, therefore, they consider the utility of the proposed forum or similar proposals as limited since, in their view, such vehicles would only produce a distorted diagnosis for Myanmar. Nonetheless, in subsequent discussions, the Government expressed interest in finding areas of convergence on this issue with a view to addressing its concerns as well as the challenges facing the country. To this end, the United Nations stands ready to continue to work together with its Myanmar partners to develop existing and new ideas.

With regard to the dialogue between the Government and Daw Aung San Suu Kyi, I regard the fact that I was granted a second meeting with her as an indication that the Government remains interested in maintaining this channel of communication and as a sign of willingness on the part of the authorities in recognizing the value of the role of the United Nations in helping to facilitate substantive dialogue.

It is also important to recognize the steps the Government has taken in appointing a minister for liaison with Daw Aung San Suu Kyi and in the several meetings they have held so far. On her part, Daw Aung San Suu Kyi has already signalled a her willingness to cooperate with the Government in the interest of the nation. She continues to expect the United Nations, through the good offices mission, to help facilitate a substantive and time-bound dialogue to that end.

The role of the United Nations good offices in this regard therefore appears relevant, or is considered relevant to both sides. With a view to advancing the ongoing discussion between them, I have proposed that the Government consider raising the level of the interlocutor on its side, and I have stressed that no dialogue can be complete unless Daw Aung San Suu Kyi is released and treated as a partner in dialogue.

In my meetings with her, Daw Aung San Suu Kyi asked me to report that she is in good health and in good spirits.

On balance, the process of engagement and dialogue continues between the United Nations and the Government of Myanmar. In addition to the positive steps taken in the wake of the September crisis, the Government's ongoing cooperation with the International Labour Organization (ILO), which on 26 February resulted in a one-year extension of the supplementary understanding of between Myanmar and the ILO to address complaints of forced labour and the fact that it has agreed to receive delegations from the International Committee of the Red Cross and the European Union can be seen as further evidence of Myanmar's readiness to continue the engagement with the United Nations and the international community.

In this context, and based on my last exchange with the Authoritative Government Spokesman's Team and messages conveyed privately, I have reason to believe that the Government attaches importance to the mission just concluded and continues to see value in the good offices of the Secretary-General as offering the best prospect for further cooperation through mutual trust and confidence and constructive suggestions. This position was again reiterated in the letter dated yesterday from the Permanent Representative of Myanmar addressed to me.

This was my third visit to Myanmar since my appointment as Special Advisor — not Special Envoy — to the Secretary-General less than a year ago. This latest mission confirms that the principles of engagement that have guided our efforts so far and that have been broadly endorsed, including by members of this Council, remain as relevant as ever.

As a process, the Secretary-General's good offices are inevitably subject to ups and downs. That is why, despite the lack of immediate, tangible results, this latest visit should be assessed within the broader context of our efforts over the past two years. Only two years ago, high-level dialogue between the United Nations and Myanmar was non-existent. Similarly, only six months ago, there was no mechanism for promoting dialogue between the Government and Daw Aung San Suu Kyi.

Furthermore, by the time the Secretary-General's good offices role resumed in 2006, Myanmar was still at the first step of its road map. Since then, the National Convention has laid down the principles to be enshrined in a new draft constitution. Subsequently, a Constitution Drafting Committee was established, which completed the task of drafting the draft constitution.

On 9 February, for the first time, the Government announced a timeline for the implementation of its road map. A nationwide referendum on the draft constitution will be held in May and will be the fourth step in the road map, followed upon ratification by multi-party democratic elections in 2010, the fifth step. This would be the first general election in twenty years.

With the Government committed to implementing its road map, the United Nations has consistently argued that a credible and inclusive process can and should offer realistic prospects for advancing the shared objectives of sustainable peace, national reconciliation, democracy and respect for human rights in Myanmar. That is why it is in Myanmar's interest to ensure that the upcoming referendum and elections are as credible and inclusive as possible, in accordance with international norms and standards. And that is why it is incumbent on all sides to be forward-looking and make the most of the opportunities before them by demonstrating maximum flexibility, to make the process work in the interest of all the people of Myanmar.

But while a referendum and elections are milestones in any transition to civilian and democratic rule, they are not ends in themselves. It is important in

this regard to remember that Myanmar is a country that has experienced nearly sixty years of armed conflict between the Government and multiple armed opponents, that there remain more than two dozen armed groups in the country and that the Government and the large majority of armed groups have agreed to ceasefires in the past fifteen years.

In order to succeed, any formal process requires political conditions that are conducive to ensuring broad and free participation in the country's transition, so that all can become stakeholders in the future of their country. That is why it is in Myanmar's interest for the Government and Daw Aung San Suu Kyi, as well as other relevant parties, to be able to engage without delay in a substantive and time-bound dialogue, so that the foundations for achieving inclusive national reconciliation and democracy can be laid today. That is also why it is in the interest of Myanmar to develop now the instruments for sustainable development, without which there can be no durable peace and stability.

The United Nations recognizes that, ultimately, the Government and people of Myanmar are responsible for their country's future. How it chooses to exercise its sovereignty — either in isolation from or in partnership with the international community — is therefore up to Myanmar.

The United Nations, through the good offices role of the Secretary-General and with the support of the international community, will continue to seek to work as partners with the Government and people of Myanmar. I therefore look forward to our continued dialogue and engagement with a view to strengthening our cooperation through tangible results.

Over the past two years, the unique comparative advantages of the Secretary-General's good offices have been demonstrated in various ways. The United Nations remains the only international actor to maintain face-to-face dialogue with Myanmar's leaders on the need for further efforts towards national reconciliation, democracy and human rights. The United Nations is the only outsider to maintain access to both the Government and Daw Aung San Suu Kyi and to act as a go-between between the two. The United Nations is Myanmar's preferred interlocutor for engaging with the international community and the region. That is why now is the time for the international community as a whole to remain united in support of the Secretary-General's good offices, in order to ensure that Myanmar's interests and concerns are addressed in a way that is both credible to its own people and acceptable to the international community.

In pursuing the good offices role on behalf of the Secretary-General, I consider it my underlying responsibility to press the Myanmar authorities on the critical and very thorny issues. I therefore approach every encounter with the Myanmar authorities with one goal in mind, namely, to sustain the process we have begun: to continue to prod the Myanmar authorities to constructively engage the domestic political interests, notably the opposition, with a view to moving the political process forward; and to encourage them to respond in a tangible manner and in ways that the international community will deem meaningful and progressive towards the realization of the objectives that we all share. Those are — and it needs to be repeated — a peaceful, prosperous and democratic Myanmar with full respect for the human rights of its people.

Finally, encouraging the Myanmar authorities to reverse a policy mind-set that has lasted this long can be challenging, but it is imperative that we continue to do so with persistence and patience — but with legitimate expectations of tangible results from the process of engagement.

The President (*spoke in Russian*): I thank Mr. Gambari for his briefing.

I now give the floor to the representative of Myanmar.

Mr. Swe (Myanmar): I wish to thank you, Mr. President, for the opportunity to make a statement at this briefing.

I would also like to thank Under-Secretary-General Gambari for his briefing on the details of his recent visit to Myanmar. The Secretary-General's good offices role — mandated by the General Assembly — has been ably implemented by Ambassador Gambari. The task that he is undertaking is by no means an easy one. That is because of the complex nature of the challenges facing Myanmar in trying to transform the country into a democratic society while at the same time forging national reconciliation and maintaining national unity. I therefore wish to express my appreciation and admiration to Ambassador Gambari

for the principled manner in which he is implementing the good offices mandate with regard to Myanmar.

The good offices role of the Secretary-General that has been mandated by the General Assembly has been described by Ambassador Gambari as a process and not an event. He has also stressed that the process must bring about tangible results.

To see where this process is right now, one must look at the process when it began. In 2003, Myanmar set for itself a seven-step political road map to democracy. When Ambassador Gambari started the good offices role, we were still at the first step of our road map. Since then, the National Convention has successfully laid down the fundamental principles to be enshrined in a new constitution. Subsequently, a commission to draft the State constitution was established. On 19 February, it successfully completed its task of drafting a new constitution. A nationwide referendum on the draft constitution — the fourth step of the road map — will be held in May. Upon ratification, multiparty elections — the fifth step — will be held in 2010.

In the course of his good offices efforts, many of the things that Ambassador Gambari discussed with the Government have come to fruition. After the tragic event of September, the Government lifted the curfew and withdrew the presence of the military from public areas in major cities, where they had previously been stationed. Some 2,600 persons, including 780 monks, have been released from detention. The National Convention was successfully concluded, with 8,552 prisoners released to mark that historic occasion. Dialogue and cooperation with the International Labour Organization (ILO) continued, and the Government and the ILO recently concluded the extension of the supplementary understanding between them. Minister U Aung Kyi has been appointed as Minister for Relations with Daw Aung San Suu Kyi, and they have met several times. Those are indeed positive and concrete developments, made possible by the trust and confidence that Ambassador Gambari enjoys.

During his recent visit, Ambassador Gambari had the opportunity to meet twice with the plenipotentiary spokesperson team representing the State Peace and Development Council, headed by the Minister for Information. Ambassador Gambari has also had the opportunity to meet with members of the commission charged with drafting the State constitution and with the commission for the holding of the referendum, as well as with political parties — including the National League for Democracy (NLD) — and the International Committee of the Red Cross. As per his request, we made arrangements for him to meet twice with Daw Aung San Suu Kyi and extended his visit to Myanmar.

Ambassador Gambari's visit provided him with the opportunity to have extensive discussions with our authorities. Those discussions are very useful because we are able to understand each other and draw parameters for cooperation with the United Nations. I am also gratified that many of our neighbours, who see the situation as it really is, have acknowledged the progress made in this recent visit. I am also thankful to the Secretary-General for acknowledging that "there was some progress".

The Secretary-General's good offices role is mandated by the General Assembly. Yesterday, after meeting with Ambassador Gambari, the President of the General Assembly issued a statement that he was

> "encouraged by the fact that the Special Envoy was able to meet with key figures, including pro-democracy leader and Nobel laureate Aung San Suu Kyi, as well as with the Referendum Convening Commission and the Constitution Drafting Committee".

We take heart from that statement.

During Ambassador Gambari's visit, we were able to explain to him the inclusive nature of the National Convention process, which laid down the fundamental principles to be enshrined in the draft constitution. In fact, the National Convention was set up by the meeting attended by all political parties. The three important chapters of the fundamental principles were drawn up and agreed to by the National League for Democracy when it was part of the National Convention. When we reconvened the National Convention in 2004, the NLD was again invited. However, it declined the invitation at the last minute.

The National Convention is comprised of some 1,080 delegates, out of which 635 are from the ethnic nationalities. It also included representatives of the political parties and representatives of the 17 insurgent groups that have returned to the legal fold. Myanmar had to face over 40 years of insurgency because of the weakness in the 1947 Constitution. Some ethnic

nationalities had reservations regarding the provisions in that Constitution. Therefore, the inclusion of representatives of the ethnic nationalities and the former insurgent groups in the National Convention, and their acceptance of the fundamental principles, are of the utmost importance. They also attest to the inclusive nature of the National Convention process.

Under the fundamental principles adopted by the National Convention, in addition to the existing seven states and seven divisions, the ethnic nationalities with sizeable populations will be allowed to form themselves into self-administered zones, in fulfilment of the one of their most important aspirations. The boundaries of the existing states and the new self-administered zones have also been agreed to by the representatives to the National Convention. That was no easy task. The constitution drafting commission has completed that task.

The draft Constitution, which contains all these provisions as well as qualifications for taking part in the elections, will be put to a nationwide referendum in May. During its meeting with Ambassador Gambari, the spokesperson team assured him that the referendum will be free and fair. In the referendum, as well as in the elections, everyone — those who support the Government and those who oppose its policies — will be allowed to participate on equal terms.

Given the complexity of the challenges that Myanmar faces, the Government has come a long way and has made significant strides in our seven-step political road map. Myanmar has been cooperating, and will continue to cooperate, with the United Nations. After all, cooperation with the United Nations is a cornerstone of Myanmar's foreign policy. Here I can do no better than to echo what the leader of the plenipotentiary spokesperson team said to Ambassador Gambari on 10 March, when he thanked the Ambassador for his constructive advice and expressed our support and continued willingness to cooperate with the good offices role of the Secretary-General mandated by the General Assembly.

May I conclude by stressing once again that Myanmar is not a threat to international peace and security. That has been attested to by all of Myanmar's neighbours. The country is making significant strides in its national reconciliation and democratization process. No Security Council action is warranted with regard to Myanmar.

The President (*spoke in Russian*): I thank the representative of Myanmar for his statement.

There are no other speakers on my list. In accordance with the understanding reached in the Council's prior consultations, I should now like to invite Council members to informal consultations to continue our discussions on the subject.

The meeting rose at 5.45 p.m.